

REMARKS

Claims 1-4 are currently pending in the application and claims 1-4 are rejected.

Applicant has added claims 5-20 by amendment herein for the reasons set forth below.

Reconsideration and allowance of the application is hereby respectfully requested.

The specification has been amended herein to correct a typographical error. Specifically, on page 8 the reference to "FIGs 4 and 5" has been corrected to "FIGs 5 and 6." Applicant submits that this correction is supported by the same paragraph being edited in that the "Figures" in question have been labeled with four relative directions. Figure 4 does not contain such labels while figure 6 does. In addition, figure 4 does not illustrate web adjuster 100 in use with a safety belt while figure 6 does. Accordingly, Applicant submits that this amendment contains no new matter.

A. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,129,872 to Reiter ("hereinafter "Reiter"), in view of U.S. Patent No. 4,069,554 to Minolla et al. (hereinafter "Minolla ").

As an initial matter, Applicant submits a person of ordinary skill in the art would not be motivated to modify the slide buckle of Reiter to incorporate the slidable third horizontal member taught by Minolla as proposed in the Office Action. In particular, Reiter teaches that "[p]referably, the body portion 21 carries the coplanar edge prongs 26, 27, 28 and 29 for adequately securing the adjusted strap or belt in place." Page 2, left col., ll. 2-5. Similarly, Reiter teaches "said cross bar having the additional function by reason of the prongs thereon of cooperating with the buckle frame to secure the other belt thereto." Page 2, left col., ll. 25-28. In this regard the stated motivation provided by the Office Action is to provide an "improved efficient slide buckle offering a smooth surface such that a webbing is not folded or deflected

over rough or narrow surfaces and further provides decreased adjustment forces, minimum working parts, and low cost of manufacture.” Per MPEP § 2143.02(VI), the proposed modification cannot change the principle of operation of a reference. Applicant submits that Reiter expressly teaches the use of prongs to mechanically secure the belt in place and the suggested modification would change the principle of operation of the Reiter reference from physically securing the belt with prongs to a friction retention with the possibility of slip, which is directly counter to the express teachings of Reiter. Accordingly, Applicant submits that there is no motivation to make the modification suggested by the Office action.

In any event, Applicant also respectfully submits that even if the proposed combination of Reiter and Minolla is properly motivated by the teachings of the references in question, neither Reiter nor Minolla teaches all of the limitations, either alone or in combination, of claims 1-4 for the following reasons.

Specifically regarding amended claim 1, Applicant submits that neither Reiter nor Minolla teaches or suggests “wherein the first ear and the second ear prevent the third horizontal member from sliding past the second horizontal member; and wherein the third horizontal member can slide over the first horizontal member while engaging the first and second vertical members.” In this regard, the Applicant submits that while Reiter discloses the third horizontal member being retained within the first and second horizontal member and Minolla discloses the third horizontal member being able to slide over either the first or second horizontal member. Neither reference either alone or in combination teaches or suggests combining the functionality of sliding over the first horizontal member while being prevented from sliding over the second horizontal member. Applicant submits that this claimed feature provides an advantageous assembly because the third horizontal member can be initially installed over the first horizontal

member without difficulty. Once installed, the assembly can be held in a vertical orientation that retains the third horizontal member in the assembly using the second horizontal member while the safety belt web is attached to the first horizontal member. The safety belt web then also retains the third horizontal member on the assembly. One advantage of this assembly is that the third horizontal member can receive surface treatments apart from the rest of the buckle assembly. Surface treating the components together may result in adhering the pieces together or may result in an inadequate surface treatment being applied to locations where the pieces touch. Accordingly, Applicant submits that claim 1, as presently amended, is not taught or suggested by the cited references, either alone or in combination.

Regarding claim 2, Applicant submits that the cited references, either alone or in combination, fail to teach or suggest “a first web affixed to the first horizontal member; and a second web looped around the third horizontal member; wherein tension on the second web generates a clamping force between the third horizontal member and the second horizontal member that substantially prevents adjustment of the web adjuster relative to the second web unless the clamping force is reduced by rotating the web adjuster at least 45 degrees from an upper/lower plain orientation,” as recited in amended claim 2.

Applicant submits that the Reiter reference does not teach a “a first web affixed to the first horizontal member” because Reiter teaches that the web is affixed to the equivalent of the third horizontal member. Similarly, Reiter does not teach or suggest “a second web looped around the third horizontal member” as recited in amended claim 2.

Concerning both the Minolla and Reiter references, Applicant submits that neither reference teaches or suggests “wherein tension on the second web generates a clamping force between the third horizontal member and the second horizontal member that substantially

prevents adjustment of the web adjuster relative to the second web unless the clamping force is reduced by rotating the web adjuster at least 45 degrees from an upper/lower plain orientation” as recited in amended claim 2.

Applicant submits that Minolla specifically teaches away from this limitation. To the contrary, Minolla teaches “the occupant has only to tilt the frame slightly ... with respect to the belt ... for the extension of the belt length.... Even *slight angles* in the adjusting device ... will produce optimum adjustment opportunity.” Col. 2, lines 56-61. Similarly, Minolla teaches “in order to shorten the belt, the aforesaid slight raise of the frame 1 is not necessary; it is necessary only to pull on the free belt strip 5.” Col. 5, l. 54- col. 6, l.1. Thus Minolla specifically teaches away from the limitation of only reducing the clamping force by rotating the web adjuster *at least 45 degrees*. Regarding the Reiter reference, Applicant submits that Reiter is silent on reducing the clamping force by rotating the disclosed slide buckle any amount. However, in this regard, Applicant submits that the use of prongs 28 and 29 would require more action to loosen than “rotating the web adjuster at least 45 degrees from an upper/lower plain orientation.” The use of prongs would require manually moving cross bar 13 to disengage the prongs from the belt.

Similarly, regarding amended claim 3, neither Minolla or Reiter alone or in combination, teaches or suggests “wherein adjustment of the web adjuster relative to the second web can be made only if the clamping force is reduced by rotating the web adjuster at least 90 degrees from the upper/lower plane orientation.” Applicant also submits that claim 3 depends from claim 2 and is also patentable for all reasons that claim 2 is patentable.

Applicant submitted similar arguments in previous responses to similar rejections regarding the Minolla reference. In the Office action, these arguments were rejected on the basis that

if applicant's web adjuster and the prior art of record web adjuster are simultaneously moved from the aforementioned horizontal plane to a plane which is inclined at a predetermined angular orientation, both applicant's and the prior art web adjuster's third horizontal or sliding member would move by the laws of gravity. Thus, applicant's degree of movement (45 degrees' 90 degrees) claimed only requires a degree of inclination to overcome....

Applicant respectfully submits that the characterization of the operation of Applicant's claimed invention in the Office action is incorrect. Specifically, Applicant submits that the operation of the claimed web adjuster is not based on the "laws of gravity" but is instead based upon tension in the web. Tension in the web draws the third horizontal member closer to the second horizontal member, entrapping a portion of the webbing therebetween. Thus, the 45 degree (and 90 degree) limitations are an expression of a safety feature that requires a deliberate rotation of the web adjuster to permit increasing the effective length of the web. Applicant has redrafted these limitations herein to positively express this limitation. In this regard, as previously stated by Applicant in the response filed December 6, 2006, "the limitation of requiring at least 45 degrees of rotation is 'an important safety feature of the invention defined in Applicant's claim 2.' Minolla fails to teach such a limitation because "[e]ven slight angles in the adjusting device . . . will produce optimum adjustment opportunity." Minolla simply fails to disclose the claimed limitation."

B. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reiter in view of Minolla and further in view of Applicant's Figure 2.

Regarding claim 4, Applicant submits that neither Minolla or Reiter alone or in combination, teaches or suggests the limitations "wherein the ear prevents said third horizontal

member from sliding past the second horizontal member; and wherein the third horizontal member can pass over the first horizontal member,” for the same reasons as set forth above in regard to claim 1.

C. New claims 5-20 are allowable over the references of record.

Claims 5-16 depended ultimately from claims 1, 2 or 4 and are allowable for at least the reasons the base independent claims are allowable. Claim 20 is a new independent claim and claims 21-24 depend therefrom. Applicant also submits that claims 8, 11 and 20 include a limitation similar to one included in claim 2 and are thus believed to be patentable on the same basis described above concerning claim 2. Similarly, Applicant submits that claims 16 and 22 include a limitation similar to that found in claims 1 and 4 and are thus believed to be patentable on the same basis described above concerning claim 1. In addition, applicant submits that Minolla fails to disclose or suggest either, “wherein the third horizontal member has a substantially rectangular cross section” as recited in new claim 5 or “wherein the web adjuster is [substantially or relatively] flat” as recited in new claims 6, 13 and 23.

Conclusion

It should be understood that the above remarks are not intended to provide an exhaustive basis for patentability or concede the basis for the rejections in the Office Action but are simply provided to address the rejections made in the Office Action in the most expedient fashion. Applicant reserves the right to later contest positions taken by the Office action that are not specifically addressed herein.

Applicant submits that the present application is now in condition for allowance. The undersigned welcomes a telephonic interview with the Examiner, if the Examiner believes that such an interview would facilitate examination of this application.

Respectfully submitted,

By: 

Troy J. Cole, Reg. No. 35,102
Woodard, Emhardt, Moriarty, McNett & Henry LLP
111 Monument Circle, Suite 3700
Indianapolis, IN 46204-5137
(317) 634-3456